

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 243

HOUSE BILL 2398

AN ACT

AMENDING SECTIONS 33-1701 AND 33-1703, ARIZONA REVISED STATUTES; RELATING TO
SELF-SERVICE STORAGE FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 33-1701, Arizona Revised Statutes, is amended to read:

33-1701. Definitions; exception

A. In this article, unless the context otherwise requires:

1. "Default" means the failure to perform on time any obligation or duty set forth in the rental agreement.

2. "Last known address" means that address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

3. "LATE FEE" MEANS A REASONABLE FEE OR CHARGE THAT IS ASSESSED BY THE OPERATOR FOR THE FAILURE OF THE OCCUPANT TO PAY RENT WHEN DUE PURSUANT TO SECTION 33-1703, SUBSECTION D.

~~3.~~ 4. "Leased space" means the individual storage space at the self-service STORAGE facility which is rented to an occupant pursuant to a rental agreement.

~~4.~~ 5. "Net proceeds" means the total proceeds received from the lien sale less the total amount of the lien.

~~5.~~ 6. "Occupant" means a person or his sublessee, successor or assign, entitled to the use of a leased space at a self-service storage facility under a rental agreement, to the exclusion of others.

~~6.~~ 7. "Operator" means the owner, operator, lessor or sublessor of a self-service storage facility, an agent or any other person authorized to manage the facility.

~~7.~~ 8. "Personal property" means movable property, not affixed to land, and includes but is not limited to goods, wares, merchandise and household items and furnishings.

~~8.~~ 9. "Rental agreement" means any written agreement provided to the occupant which establishes or modifies the terms, conditions or rules concerning the use and occupancy of a self-service storage facility.

~~9.~~ 10. "Self-service storage facility" means any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

B. The provisions of this article do not apply to a warehouseman unless the warehouseman issues a warehouse receipt, bill of lading or other document of title for the personal property stored.

Sec. 2. Section 33-1703, Arizona Revised Statutes, is amended to read:

33-1703. Lien; rental agreement; contents; late fees

A. The operator of a self-service storage facility has a possessory lien from the date the rent is unpaid and due on all personal property stored within each leased space for rent, LATE FEES, labor or other charges, and for expenses reasonably incurred in its sale, as provided in this article. The lien shall not impair any other lien or security interest at the time the

1 storage was commenced, unless the lienor or secured party knows and consents
2 to the storage of the personal property.

3 B. The rental agreement shall contain a statement, in at least ten
4 point bold-faced type, advising the occupant:

5 1. Of the existence ACCRUAL of the lien AS OF the date the rent is
6 unpaid and due.

7 2. That property stored in the leased space may be sold to satisfy the
8 lien if the occupant is in default.

9 3. That any insurance protecting the personal property stored within
10 the storage space against fire, theft or damage must be provided by the
11 occupant.

12 4. THAT A LATE FEE MAY BE CHARGED BY THE OPERATOR FOR EACH MONTH THAT
13 THE OCCUPANT DOES NOT PAY RENT WHEN DUE. THE RENTAL AGREEMENT SHALL STATE
14 THE DATE ON WHICH RENT IS DUE AND THE DATE ON WHICH THE LATE FEE ACCRUES.

15 C. The rental agreement shall contain a provision requiring the
16 occupant to disclose any lienholders or secured parties who have an interest
17 in property that is or will be stored in the self-service storage facility.

18 D. THE OPERATOR MAY IMPOSE A REASONABLE LATE FEE ON THE OCCUPANT FOR
19 EACH MONTH THE OCCUPANT DOES NOT PAY RENT WHEN DUE. FOR PURPOSES OF THIS
20 SECTION, A REASONABLE LATE FEE MAY BE COMPUTED AS THE GREATER OF TEN DOLLARS
21 PER MONTH OR TWENTY PER CENT OF THE AMOUNT OF MONTHLY RENT. ANY LATE FEE
22 IMPOSED BY THE OPERATOR PURSUANT TO THIS SECTION IS IN ADDITION TO ANY OTHER
23 REMEDY PROVIDED BY LAW OR CONTRACT.

24 E. THE OPERATOR SHALL PROVIDE ADEQUATE NOTICE TO THE OCCUPANT BEFORE
25 A LATE FEE IS IMPOSED. ADEQUATE NOTICE IS PROVIDED IF THE RENTAL AGREEMENT
26 COMPLIES WITH SUBSECTION B OR IF A NOTICE IS SENT TO THE OCCUPANT BY
27 CERTIFIED MAIL THAT NOTIFIES THE OCCUPANT THAT A LATE FEE MAY BE CHARGED IN
28 ANY MONTH IN WHICH THE OCCUPANT DOES NOT PAY RENT WHEN DUE.

APPROVED BY THE GOVERNOR APRIL 24, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2001.

Passed the House March 5, 2001,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 2, 2001,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

Ronald S. Smith
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2398

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House April 18, 2001,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 19, 2001,

by the following vote: 30 Ayes,

0 Nays, 6 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 20 day of April, 2001,

at 8:27 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 24 day of

April, 2001,

at 4:16 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State

H.B. 2398